

From the Editors ...

Thank you for the overwhelming positive feedback on the MMPA Bulletin. We hope it continues to provide our readers with timely and informative updates on the activities of the Office of Protected Resources.

If there are articles in the Bulletin that you would like to reproduce for your organization's newsletter, please contact us and we will send you an electronic copy of the text. Or, you can download the Bulletin from the Internet (see last page).

To suggest future Bulletin topics, or be included on the mailing list for future editions, please call Tawand Hodge, Office of Protected Resources, at (301) 713-2319. Or mail your comments to the National Marine Fisheries Service, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910, Attn: MMPA Bulletin.

Working Sessions to Discuss Draft Fishing Regulations a Success

In late November and early December of last year, the Office of Protected Resources held two public working sessions to discuss draft regulations to implement provisions in the MMPA to govern interactions between marine mammals and commercial fishing operations (sec. 118 of the MMPA).

The broad range of public participation at the sessions provided diverse, constructive feedback on the draft regulations. The sessions were held in Silver Spring, MD and Seattle, WA and were attended by representatives of fishing organizations, environmental groups, inter-state fishery commissions, coastal states, Congressional staff, and the Marine Mammal Commission.

Discussions focused, among other things, on how fisheries would be classified under the new amendments. The majority of attendees supported a shift from criteria that classified fisheries using a rate of take of marine mammals per twenty days of fishing, to criteria that is based on each fishery's annual serious injury and mortality level for each stock relative to its Potential Biological Removal (PBR) level. However, there was concern that fisheries could be classified incorrectly if insufficient information were available regarding a stock's population size or level of take due to commercial fishing.

The definition of the Zero Mortality Rate Goal (ZMRG) was also debated, and most agreed that if the total take from a stock was less than 10% of its PBR, that stock could be said to have reached "an insignificant level of serious injury and mortality approaching a zero rate". However, because NMFS must assess each fishery's progress in achieving the ZMRG, many felt that it must be defined on a by-fishery basis. The Seattle group recommended that this level be somewhere between 1% and 10% of a stock's PBR, depending on the number of fisheries interacting with each stock.

Other feedback provided during the sessions will be incorporated into the proposed regulations implementing sec. 118, due to be published in March or April. For more information, contact Vicki Cornish, (301) 713-2322.



Prohibition on Intentional Lethal Takes of Marine Mammals In Effect

The final rule implementing the statutory prohibition on intentional killing of marine mammals in the course of commercial fishing operations will be effective on March 3, 1995. The rule makes obsolete current regulations that permit fishers to intentionally kill marine mammals to protect their catch or gear. Persons found to be in violation of this prohibition are subject to a fine of up to \$20,000.

There will be an exception for actions taken by fishers that are imminently necessary to save the life of a person, provided that the killing is reported to the National Marine Fisheries Service within 48 hours after the end of the fishing trip in which the take occurred.

Killing marine mammals will be prohibited, yet non-lethal measures may still be used to deter marine mammals from damaging fishing gear or catch. The MMPA requires NMFS to develop guidelines for the safe deterrence of marine mammals. It also requires NMFS to prohibit deterrence measures that have a significant adverse effect on marine mammals. The guidelines and the list of prohibited measures are in preparation, and it is hoped that a proposed rule with guidelines and prohibited measures will be published in the spring.

For information on the intentional lethal take prohibition, contact Dean Wilkinson, (301) 713-2319. For information on non-lethal deterrence guidelines, contact Ken Hollingshead, (301) 713-2055, or Dan Morris, NMFS Northeast Region, (508) 281-9388.

Bering Sea Ecosystem Study is Underway

NMFS is developing a plan to study the Bering Sea ecosystem. The purpose of the study is to resolve uncertainties concerning the causes of declines in marine mammals, sea birds and other living resources in that ecosystem. The study will consider the research recommendations developed by previous workshops, including research on subsistence use of living resources and ways to provide for their sustained use. An important component of the study will be the involvement of Alaska Native groups in the development of the plan and the incorporation of traditional local knowledge.

NMFS is currently working on the first draft of the plan. The plan will then be revised based on comments by the Marine Mammal Commission, the State of Alaska, the U.S. Fish and Wildlife Service, Alaska Native organizations, and others. A series of workshops will be held in early 1995 to finalize the plan and determine how the research will be conducted.

For more information, contact Ned Cyr, (301) 713-2319.

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